



THE ATTORNEY GENERAL
OF TEXAS

JIM MATTON
ATTORNEY GENERAL

September 4, 1990

Mr. Kevin S. Casey
Assistant City Attorney
City of Pasadena
P.O. Box 672
Pasadena, Texas 77501

OR90-427

Dear Mr. Casey:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 8661.

The City of Pasadena police department received a request for copies of automobile accident reports. You claim that these accident reports might be excepted from public disclosure under certain fact situations by sections 3(a)(3), 3(a)(8). You also ask several general questions about the procedures related to open records requests made to the city.

Traffic accident reports submitted by police officers to the Department of Public Safety are public by statute. V.T.C.S. art. 6701d, § 47. This office has held that such reports, and supplementary reports, are also public when requested from a police department, and that they are not protected from disclosure under sections 3(a)(3) or 3(a)(8). See Open Records Decision No. 43 (1974). For this reason, you must release the reports.

As to procedures related to open records requests, no magic words or specific formulae are necessary for a requestor seeking information from a governmental entity. See Open Records Opinion 497 (1988). The motives for seeking specific information are irrelevant. Attorney General Opinion MW-307 (1981). Requests from a corporate entity are not treated differently from requests from an individual. See Attorney General JM-757 (1987). A

governmental body does not have to comply with a continuing request, i.e. a request for the regular provision of material to be prepared in the future. Attorney General Opinion JM-48 (1983). If a requestor makes a particularly vague request or a request for voluminous records, the governmental body may ask for clarification of the request.

In this instance, the request is for automobile accident reports for a particular time period, which is sufficiently clear notice of the information that is sought. A governmental body should make a good faith effort to advise the requestor of the type of documents available so that the requestor can narrow the request. The act contains no requirement that requests be made in person nor that copies of public records be picked up in person by the requestor. As requestor here indicates that he will pick up the information in person, we need not address your question relating to mailing costs.

You ask about the permissible fees you may charge for copies of the accident reports. See generally Attorney General Opinions JM-114 (1974); H-560 (1975). Section 47 of art. 6701d permits the Department of Public Safety to charge four dollars for a copy of an accident report. By its terms, this fee applies only to copies of reports obtained from the DPS. You indicate that the City of Pasadena provides by ordinance for a fee of three dollars for each accident report. Section 9(a) of the Open Records Act provides that the cost of "noncertified photographic reproductions of public records comprised of pages up to legal size shall not be excessive." Section 9(b) indicates that charges for access to public records in any form other than up to standard sized pages should approximate the actual cost of providing the records. The State Purchasing and General Services Commission determines costs of public records in consultation with state agencies. See Attorney General Opinions JM-672 (1987); JM-292 (1984); JM-114 (1983).

Your question regarding costs is not a request asking whether certain information is excepted from disclosure under the Open Records Act. Rather, it is a question requiring us to construe the act itself and would necessarily take the form of an attorney general opinion. Because municipalities are not authorized opinion requestors under section 402.042 of the Government Code, we may not answer your question.

Because case law and prior published open records decisions resolve your request, we are resolving this matter

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with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR90-427.

Yours very truly,

David A. Newton by LG

David A. Newton
Assistant Attorney General
Opinion Committee

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Ref.: ID# 8661, 8511, 10344

Enclosure: Open Records Decision Nos. 43, 307, 497;
Attorney General Opinions JM-757, JM-114, JM-48

cc: Mr. John Bechtel
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